

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

FILED  
2007 NOV 19 PM 3:59  
J. B. COOPER, CLERK  
D.C.

STATE OF TENNESSEE, ex rel. ROBERT  
E. COOPER, JR., Attorney General &  
Reporter,

Plaintiff,

v.

07C-3365-III

EXPYFI, LLC, a Georgia limited liability  
company, doing business as www.expyfi.com,  
CREDITMAX FINANCIAL, LLC, a Georgia  
limited liability company, CREDIT PHD., INC.,  
A Georgia nonprofit corporation, and  
ANTHONY "TONY" IRVING THOMAS aka  
ANTHONY J. THOMPSON,  
individually and doing business as  
EXPYFI, LLC, CREDITMAX FINANCIAL,  
LLC, CREDIT PHD., INC., and  
www.expyfi.com,

Defendants.

STATE OF TENNESSEE'S MOTION FOR  
STATUTORY TEMPORARY INJUNCTION

The State of Tennessee ("State"), through its Attorney General and Reporter,  
Robert E. Cooper, Jr., and on behalf of and at the request of the Mary Clement, Director of the  
Division of Consumer Affairs of the Tennessee Department of Commerce and Insurance, moves  
this Court pursuant to Tenn. Code Ann. § 47-18-108(a) of the Tennessee Consumer Protection

Act of 1977<sup>1</sup> for a statutory injunction temporarily enjoining Defendant Anthony “Tony” Thomas, Defendant ExpyFi, LLC, Defendant CreditMax Financial, LLC, Defendant Credit Phd., Inc, any and all officers, directors, employees, agents, parents, affiliates, successors and assigns, and other persons in active concert or participation with Defendants who receive notice of the temporary injunction, from engaging, directly or indirectly, in any acts which are unlawful, misleading, unfair or deceptive to consumers or other persons, including, but not limited to, the following:

- (A) Defendants shall be strictly prohibited from soliciting, providing, advertising, promoting, or conducting seminars or presentations of any type in person, via the Internet or telephone, or otherwise offering, in any manner, the services of a credit services business within this state, without first registering a bond fully consistent with the provisions of Tenn. Code Ann. § 47-18-1011;
- (B) Defendants shall be strictly prohibited from selling, providing, performing or representing, to any person that they can or will sell, provide, or perform any of the following services in return for payment of money or other valuable consideration: (i) improving a consumer’s credit record, history, or rating; (ii) obtaining an extension of credit for a consumer; or (iii) providing advice of assistance to a consumer with regard to either (i) or (ii).
- (C) Defendants shall be strictly prohibited from charging or receiving any money or other valuable consideration prior to full and complete performance of the services that Defendants have agreed to perform for or on behalf of the consumer, including all representations made orally or in writing. “Full and complete performance” means fulfillment of all items listed in the contract and other solicitations or communications to consumers;
- (D) Defendants shall be strictly prohibited from enforcing any contract or other agreement for services signed by Tennessee consumers that were entered into during the period in which Defendants did not have a bond posted with the State fully consistent with the provisions of Tenn. Code Ann. § 47-18-1011 and that do not fully comply with all provisions of the Tennessee Credit Services Businesses Act, Tenn. Code Ann. § 47-18-1001 *et seq.*;
- (E) Defendants shall fully comply with the Tennessee Credit Services Businesses Act, Tenn. Code Ann. § 47-18-1001 *et seq.*; and

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<sup>1</sup> Tenn. Code Ann. § 47-18-101 *et seq.*

- (F) Defendants shall timely and fully comply and cooperate with the Attorney General's Office when information is sought pursuant to state law, regulation or rule.

Defendants shall turn over and/or provide all consumer records, files and documents of Defendants relating to Tennessee consumers or any consumers who attended a seminar or presentation held in the State of Tennessee to Jennifer E. Peacock, Assistant Attorney General, by delivering the files and/or documents during regular business hours between 8:00 a.m. and 4:30 p.m. (Central) to the Consumer Advocate and Protection Division, Tennessee Attorney General's Office, 425 Fifth Avenue North, Nashville, Tennessee 37243 by no later than five (5) days following entry of the Court's Order. These records shall be treated as confidential and afforded all protections to protect the privacy of consumers in credit related records.

Defendants shall provide the Court with a detailed accounting of all assets in Defendants' possession relating to Defendants' businesses and a list of all bank accounts, bank addresses, bank telephone numbers and bank contact names, bank account numbers, and the amounts currently held in those accounts and held since the date Defendants commenced trade or commerce in the state of Tennessee as of the date of the Court's Order by no later than five (5) days after entry of the Court's Order. Said accounting shall be provided along with a sworn affidavit of an officer of each of the Defendants confirming their accuracy and completeness and shall be filed with the Court and a copy(ies) shall be provided in the same time frame to Jennifer E. Peacock, Assistant Attorney General, Consumer Advocate and Protection Division, Attorney General's Office, 425 Fifth Avenue North, Nashville, TN 37243.

Defendants should be ordered to pay all court costs associated with this Temporary

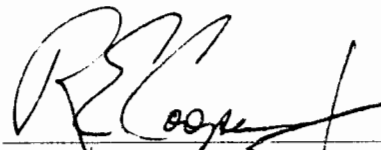
Injunction Order. No costs shall be taxed to the State as provided by Tenn. Code Ann. § 47-18-108(a)(4). The State's attorneys' fee and costs claim shall be expressly reserved for a future hearing.

In support of this Motion, the State relies upon the contemporaneously filed Memorandum of Facts and Law in Support of Motion for Temporary Injunction, the Complaint and the Exhibits attached to this Motion. These Exhibits demonstrate that the State has shown a likelihood of success on the merits of its action.

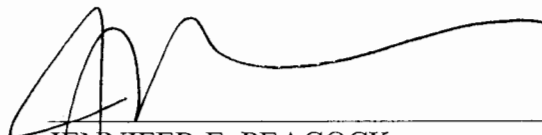
As cause for its Motion, the State relies on Exhibit A and Exhibit B attached to this Motion as well as the Memorandum in Support of the Temporary Injunction Motion.

**THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF FILED BY  
THE PLAINTIFF IN THIS CASE.**

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "R. E. Cooper, Jr.", written over a horizontal line.

ROBERT E. COOPER, JR.  
Attorney General & Reporter  
B.P.R. No. 010934

A handwritten signature in black ink, appearing to read "Jennifer E. Peacock", written over a horizontal line.

JENNIFER E. PEACOCK  
Assistant Attorney General  
B.P.R. No. 022227  
Office of the Tennessee Attorney General  
Consumer Advocate & Protection Division  
Post Office Box 20207  
Nashville, TN 37202-0207  
Telephone: (615) 741-3108  
Facsimile: (615) 532-2910

**CERTIFICATE OF SERVICE**

I, Jennifer E. Peacock, do hereby certify that the foregoing document was served on Defendants via facsimile to (800) 852-8366 and (770) 939-1165 and via United States Mail to:

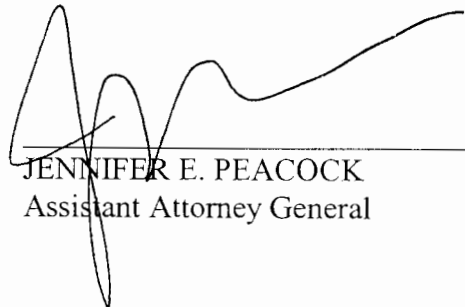
Anthony Thomas  
P.O. Box 390591  
Snellville, GA 30039

ExpyFi, LLC  
Anthony Thomas, Registered Agent  
P.O. Box 390591  
Snellville, GA 30039

CreditMax Financial, LLC  
Anthony Thomas, Registered Agent  
3570 Habersham at Northlake  
Tucker, Georgia 30084

Credit Phd., Inc.  
Anthony Thomas, Registered Agent  
P.O. Box 390591  
Snellville, GA 30039

on this the 19th day of November, 2007.



JENNIFER E. PEACOCK  
Assistant Attorney General

110584

# EXHIBIT A

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

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STATE OF TENNESSEE, ex rel. ROBERT )  
E. COOPER, JR., Attorney General & )  
Reporter, )

Plaintiff, )

v. )

No. 07C-3365-III

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ANTHONY "TONY" IRVING THOMAS aka )  
ANTHONY J. THOMPSON, )  
individually and doing business as )  
EXPYFI, LLC, CREDITMAX FINANCIAL, )  
LLC, CREDIT PHD., INC., and )  
www.expyfi.com, )

Defendants. )

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**AFFIDAVIT OF JEREMY HARWELL**

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STATE OF TENNESSEE )

DAVIDSON COUNTY )

I, Jeremy Harwell, do hereby depose and aver as follows:

1. I am an adult citizen of Tennessee and am competent to testify to the matters stated herein.

Initials JH  
Page 1 of 4



2. I make this affidavit on personal knowledge and understand that it may be used in legal proceedings pursuant to the unauthorized practice of law statutes, the Tennessee Consumer Protection Act or other appropriate law.

3. I swear that the facts contained herein are true and accurate to the best of my knowledge.

4. I am a paralegal with the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General located at 425 5th Avenue North in Nashville, Tennessee. My business telephone is 615-532-5510.

5. My duties at this Office include investigating the activities of various businesses, including, but not limited to, gathering information regarding business structure, the individuals who own and/or operate the business and other general information regarding the business operation and the individuals involved.

6. I took photographs of signs that stated:

**RAISE**  
CREDIT SCORES  
to **700+**  
1-800-852-8366

on August 23, 2007 with a Sony SuperSteadyShot DSC-H2 camera owned by the Consumer Advocate and Protection Division. These photographs are attached as Exhibits A, B, and C. All of these photographs were taken at the westbound Church Street exit ramp off of I-40 in Nashville, Tennessee. Exhibit A was taken approximately 50 feet before the stoplight of Church Street and the westbound Exit Ramp off of I-40. Exhibit B shows the same intersection of the

westbound exit ramp and Church Street and a southeastern view. Exhibit C shows a detailed showing of the sign located that is in Exhibit B.

7. I called the number listed on the signs, 1-800-852-8366, and registered to attend a seminar being held by Tony Thomas allegedly under the name CreditMax in Nashville, Tennessee.

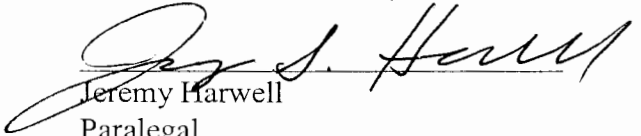
8. On November 15, 2007 at 7:00 p.m., I attended the seminar held by Tony Thomas at the Holiday Inn Express on Broadway in downtown Nashville, Tennessee. During this seminar, Tony Thomas represented and promoted that he could provide services to improve a consumer's credit record and score.

9. Approximately forty (40) consumers attended the seminar and I witnessed approximately fifteen (15) of the consumers purchase the credit services package offered by Tony Thomas for Sixty-Nine Dollars (\$69.00) each.

10. I called the number listed on the signs, 800-852-8366, on November 19, 2007. I recognized the voice on the recording as the voice of Tony Thomas from previous telephone calls with him and from attending his seminar. Tony Thomas stated on the recording that he is now holding weekly credit repair seminars on Wednesday nights in Memphis, Tennessee, and Thursday nights in Nashville, Tennessee, the times and locations to be announced each week. Tony Thomas also stated on the recording that consumers can request a private one-on-one session if they are unable to attend a seminar.

11. All of the above information is true and accurate to the best of my knowledge.

FURTHER AFFLIANT SAITH NOT.

  
Jeremy Harwell  
Paralegal  
Consumer Advocate Protection Division  
Office of the Tennessee Attorney General

Sworn to and subscribed before me  
this 17<sup>th</sup> day of November, 2007.

  
NOTARY PUBLIC

My commission expires:

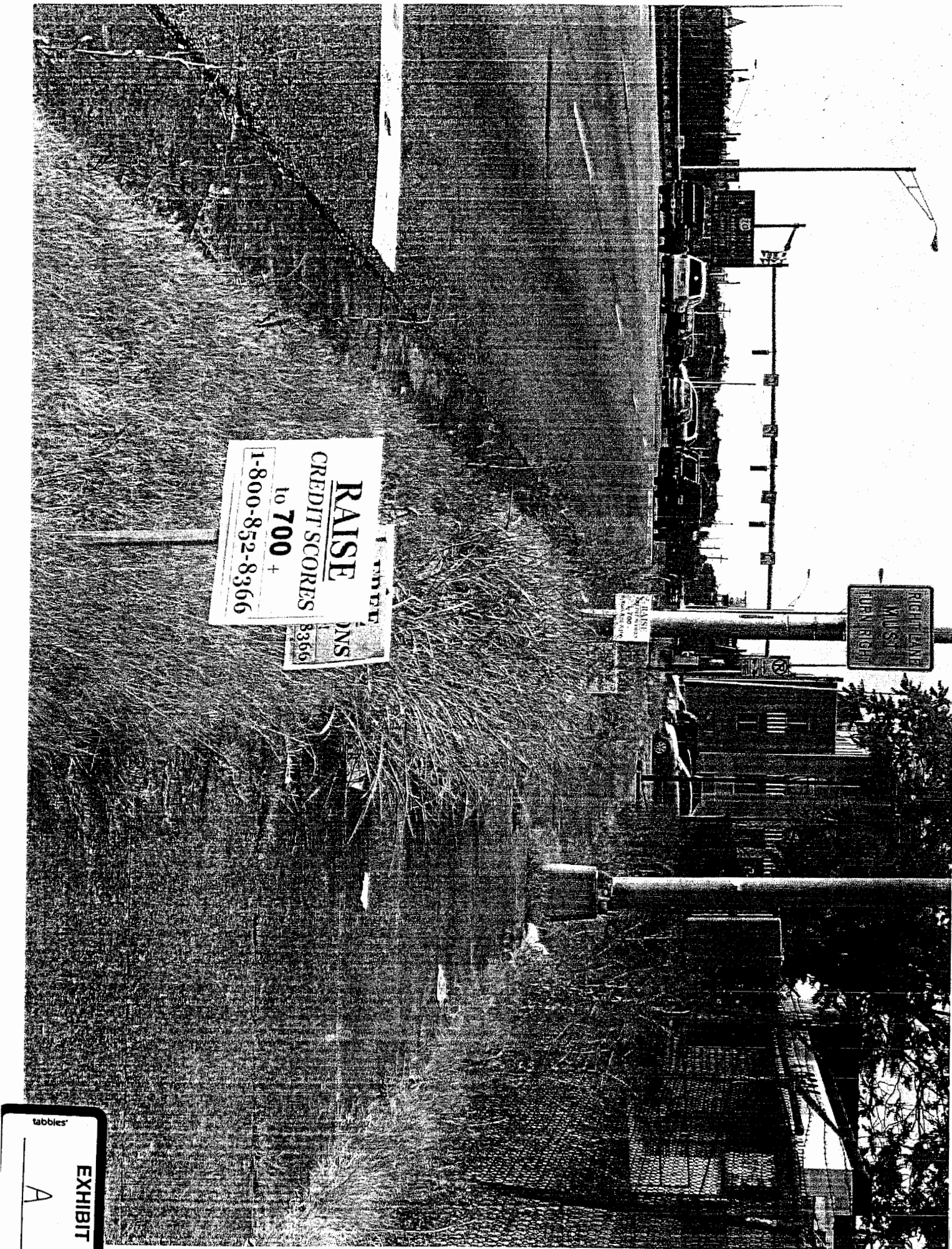
July 5, 2011

112665



My Commission Expires JULY 5, 2011

# EXHIBIT A



# EXHIBIT B





# EXHIBIT C



**RAISE  
CREDIT SCORES**

**to 700<sup>+</sup>**

**1-800-852-8366**

EXHIBIT

tabbles

C

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, ex rel. ROBERT )  
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individually and doing business as )  
EXPYFI, LLC, CREDITMAX FINANCIAL, )  
LLC, CREDIT PHD., INC., and )  
www.expyfi.com, )  
 )  
Defendants. )

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AFFIDAVIT AND VERIFICATION OF MARY CLEMENT,  
DIRECTOR OF THE DIVISION OF CONSUMER AFFAIRS

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STATE OF TENNESSEE )  
 )  
COUNTY OF DAVIDSON )

**AFFIDAVIT**

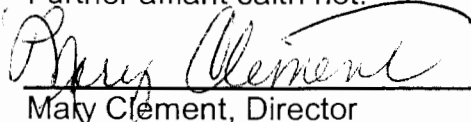
I, Mary Clement, being first duly sworn, do hereby depose and aver as follows:

1. I am employed as Director of the Division of Consumer Affairs (Division), Department of Commerce and Insurance, State of Tennessee.
2. As Director, I have custody and control of the records of the Credit Services Business Registration program. Such records indicate the credit

services business companies that are registered to conduct business in the State of Tennessee.

3. At the request of the Attorney General's Office, I have searched the Credit Services Business Registration program records from 1988 to the present to determine whether Anthony "Tony" Thomas has registered as a credit services business and posted the surety bond required by the Tennessee Credit Services Businesses Act. Such a search revealed that, as of the date note below, Anthony "Tony" Thomas has not registered with the Division as a credit services business.
4. At the request of the Attorney General's Office, I have searched the Credit Services Business Registration program records from 1988 to the present to determine whether ExpyFi, LLC has registered as a credit services business and posted the surety bond required by the Tennessee Credit Services Businesses Act. Such a search revealed that, as of the date note below, ExpyFi, LLC has not registered with the Division as a credit services business.
5. At the request of the Attorney General's Office, I have searched the Credit Services Business Registration program records from 1988 to the present to determine whether CreditMax, LLC has registered as a credit services business and posted the surety bond required by the Tennessee Credit Services Businesses Act. Such a search revealed that, as of the date note below, CreditMax, LLC has not registered with the Division as a credit services business.
6. At the request of the Attorney General's Office, I have searched the Credit Services Business Registration program records from 1988 to the present to determine whether Credit Phd., Inc. has registered as a credit services business and posted the surety bond required by the Tennessee Credit Services Businesses Act. Such a search revealed that, as of the date note below, Credit Phd., Inc. has not registered with the Division as a credit services business.

Further affiant saith not.

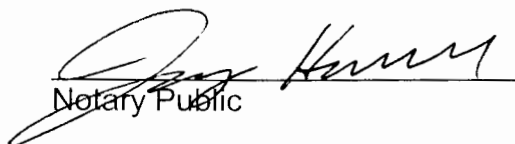


Mary Clement, Director

Division of Consumer Affairs

Tennessee Department of Commerce and Insurance

Sworn to and subscribed before me this 15 day of November, 2007.

  
Notary Public



My commission expires: 8/23/2011

My Commission Expires AUG. 23, 2011